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GROUP 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hiro Yoshi TSUCHIYA et al.

Serial No. 09/848,439

Group Art Unit: 1771

Filed: May 4, 2001

Examiner: John J. Guarriello

For: WATER-ABSORBING COMPOSITES, PREPARATION PROCESSES  
THEREOF AND WATER-ABSORBING ARTICLES

DECLARATION UNDER 37 CFR 1.132

Honorable Commissioner of Patents and Trademarks,  
Washington, D.C. 20231

Sir:

I, Kiichi Itoh, the undersigned, a citizen of Japan, residing at 541, Tarusaka-cho, Yokkaichi-shi, Mie-ken, Japan, hereby declare and state that I graduated from Master Course, Department of Chemistry, Waseda University, Japan, in March, 1977 and I was employed by Mitsubishi Petrochemical Co., Ltd. on April 1, 1977, which company merged into Mitsubishi Chemical Corporation on October 1, 1994, the assignee of the above-identified U.S. patent application and I have been principally engaged in research and development of highly water-absorbing polymers.

I declare further that I am one of the inventors of the above-identified U.S. patent application and I have read all of the documents contained in the file wrapper of the application.

I declare further that the matters described below are true and correct to the best of my knowledge.

## 1. Maximum Length and Minimum Lenth

The specification of the application has the following paragraph:

### *(10) The Maximum Length/Minimum Length Ratio*

*The maximum and minimum lengths of agglomerates were determined from processed images of agglomerates. As used herein, the maximum and minimum lengths refer to the maximum and minimum lengths as diameters of agglomerates but may not be necessarily orthogonal. The maximum length/minimum length ratio was calculated by dividing the maximum length by the minimum length. Any material having a maximum length/minimum length ratio less than 1.2 cannot be considered as an agglomerate structure. ([0169],[0170] of US-2002-0034911-A1)*

I declare that the phrase "*but may not be necessarily orthogonal* " in the above paragraph should have been amended to read --- *and must be orthogonal* --- and I overlooked this error when I filed this application.

I declare that the maximum length was determined by selecting two points on the circumference of a projected agglomerate so that the distance between the two points is maximum, and measuring the distance. I also declare that the minimum length was determined by drawing two lines tangent to the circumference of the projected agglomerate and perpendicular to the line of the maximum length so that the distance between the two lines is maximum, and measuring the distance. All the maximum and minimum lenth data disclosed in the specification were determined by this method at my direction and under my supervision.

## 2. Average Particle Diameter

The specification of the application has the following paragraph:

*(2) Average Particle Diameter of Agglomerates*

*On SEM photographs of plural sites of each water-absorbing composite, 100 particles were randomly selected to measure their particle diameters, from which the average was calculated. ([0141],[0142] of US-2002-0034911-A1)*

I declare that "particle diameter" in this paragraph means "minimum length" defined above. All the average particle diameter data disclosed in the specification were determined by measuring the minimum lengths of the selected 100 particles and calculating the average of the measured values.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Dated this 18<sup>th</sup> day of July, 2003



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Kiichi Itoh